

FILE COPY

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ANTHONY J. STRIGENZ, D.D.S.,
RESPONDENT.

FINAL DECISION
AND ORDER

The parties in this matter having agreed to the terms and conditions of the attached Stipulation, subject to the approval of the Board, and the Board having reviewed the Stipulation and considering it acceptable, the Board adopts the Stipulation and makes the following:

FINDINGS OF FACT

1. Anthony J. Strigenz, D.D.S., Respondent, date of birth: November 25, 1931, is a dentist currently licensed and registered to practice dentistry in the State of Wisconsin; that his license which bears number 4001154 was granted September 15, 1955; that he maintains a dentistry office at 6923 W. Center St., Milwaukee, WI 53210.

COUNT I

2. G.R. was a patient of Dr. Strigenz from November, 1986 through February, 1987.

3. Respondent's patient records for G.R. do not contain a record of initial examination.

4. Respondent's patient records for G.R. do not contain a record of any diagnosis.

5. Respondent's patient records for G.R. do not contain a treatment plan.

6. Respondent's patient records for G.R. do not indicate the type of fillings provided for G.R.

7. Respondent's patient records for G.R. do not indicate the restorative materials used by Respondent.

8. Respondent's patient records for G.R. do not indicate what endodontic filling material was used by Respondent.

9. Respondent's patient records for G.R. do not indicate what endodontic cement was used by Respondent.

EXHIBIT A

Recordkeeping course to be taken and completed by Anthony J. Strigenz, D.D.S. at Marquette University School of Dentistry.

The program will be taught by a licensed dentist, who is a faculty member at the Marquette University School of Dentistry, and shall consist of the following:

1. The instructor will meet and interview Dr. Strigenz. The interview shall include a review of a random sample of Dr. Strigenz's records ~~as maintained in early 1987, the time period that the care was~~ provided to the patient set out in the disciplinary complaint. The interview shall also consist of a review of a random sample of Dr. Strigenz's records from the present.
2. Dr. Strigenz will be given a package of materials to study relating to recordkeeping. The material review shall be completed by a date arranged between the instructor and Dr. Strigenz.
3. A custom designed evaluation procedure (to be developed after the initial interview) will be mailed to Dr. Strigenz. This evaluation will be in the form of a written test.
4. Dr. Strigenz will receive a written evaluation when the instructor is satisfied that he has mastered the course materials. A copy of the evaluation will be sent to the Wisconsin Dentistry Examining Board.

JRZ:pp
ATY-1442

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

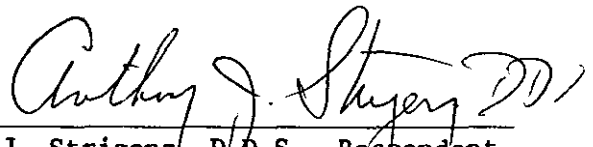
IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
ANTHONY J. STRIGENZ, D.D.S.,	:	
RESPONDENT.	:	

It is hereby agreed and stipulated, by and between, Anthony J. Strigenz, D.D.S., Respondent; William H. Alverson of Godfrey & Kahn, S.C., attorneys for Respondent; John R. Zwieg, attorney for the Department of Regulation and Licensing, Division of Enforcement; and, the Wisconsin Dentistry Examining Board, as follows:

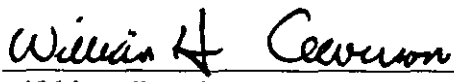
1. Anthony J. Strigenz, D.D.S., Respondent, date of birth: November 25, 1931, is a dentist currently licensed and registered to practice dentistry in the State of Wisconsin; that his license, which bears number 4001154, was granted September 15, 1955; that he maintains a dentistry office at 6923 W. Center St., Milwaukee, WI 53210.
2. The Wisconsin Department of Regulation and Licensing, Division of Enforcement, has an open investigative file, 87 DEN 42, concerning Respondent. The investigative file contains allegations Respondent provided inappropriate care to a patient during 1986 and 1987. On August 24, 1990, the Division issued a disciplinary complaint based on those allegations.
3. That this resolution may be submitted directly to the Wisconsin Dentistry Examining Board and need not be submitted to the Administrative Law Judge assigned to this matter.
4. Respondent denies any professional wrongdoing alleged in the Complaint and denies that his professional services brought under scrutiny in this case evince a lack of knowledge of the principles of dentistry, inability to apply such principles or negligent application of such principles, but acknowledges that the Board could conclude otherwise. Respondent agrees that the attached Findings of Fact, Conclusions of Law, and Order may be made and entered without further notice to any party.
5. The attorneys for the parties may appear before the Wisconsin Dentistry Examining Board to argue in favor of acceptance of this Stipulation and the entry of the attached Final Decision and Order.

6. In the event that the Wisconsin Dentistry Examining Board does not accept this resolution of this matter, the Stipulation and Final Decision and Order shall be void and of no effect.

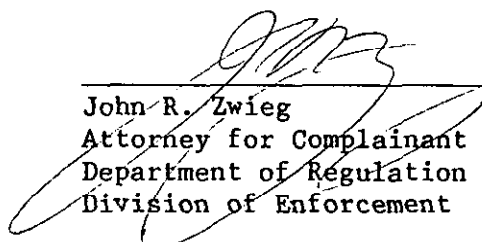
Dated this 4 day of March, 1991.


Anthony J. Strigenz, D.D.S., Respondent


Dated this 4th day of March, 1991.


William H. Alverson
Godfrey & Kahn, S.C.
Attorneys for Respondent

Dated this 28th day of ~~March~~ ^{February}, 1991.


John R. Zwieg
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

Dated this 6th day of March, 1991.


Eva Dahl, D.D.S., Chairperson
Wisconsin Dentistry Examining Board

JRZ:vec
ATY-1408

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

~~Any person aggrieved by this order may petition for a rehearing within~~
20 days of the service of this decision, as provided in section 227.49 of
the Wisconsin Statutes, a copy of which is attached. The 20 day period
commences the day after personal service or mailing of this decision.
(The date of mailing of this decision is shown below.) The petition for
rehearing should be filed with the State of Wisconsin Dentistry Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit
court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for
judicial review of this decision as provided in section 227.53 of the Wisconsin
Statutes, a copy of which is attached. The petition should be filed in
circuit court and served upon the State of Wisconsin Dentistry Examining Board.

within 30 days of service of this decision if there has been no petition
for rehearing, or within 30 days of service of the order finally disposing
of the petition for rehearing, or within 30 days after the final disposition
by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing
of the decision or order, or the day after the final disposition by operation
of the law of any petition for rehearing. (The date of mailing of this
decision is shown below.) A petition for judicial review should be served
upon, and name as the respondent, the following: the State of Wisconsin
Dentistry Examining Board.

The date of mailing of this decision is March 8, 1991.

WLD:dms
886-490

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.52 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employee trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally

disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.